

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KRISTIN B. MILTON,	:	
	:	07 Civ. 2812 (VM)
Plaintiff,	:	
	:	
-against-	:	<u>CONDITIONAL</u>
	:	<u>ORDER OF DISCONTINUANCE</u>
TONI CARROLL TERMAN et al,	:	
	:	
Defendants.	:	
-----	X	

VICTOR MARRERO, United States District Judge.

Counsel for plaintiff, having notified the Court, by letter dated August 8, 2007, a copy of which is attached, that the parties have reached an agreement in principle to settle this action without further litigation, it is hereby

ORDERED, that this action be conditionally discontinued without prejudice and without costs; provided, however, that within thirty (30) days of the date of this Order, the parties may submit to the Court their own Stipulation of Dismissal for the Court to So Order. Otherwise, within such time counsel for plaintiff may apply by letter for restoration of the action to the active calendar of this Court in the event by the deadline indicated the settlement is not consummated. Upon such notification, the defendant shall continue to be subject to the Court's jurisdiction, the Court shall promptly reinstate the action to its active docket and the parties shall be directed to appear before the Court, without the necessity of additional process, on a date within thirty days of the

plaintiff's application for reinstatement, to schedule remaining pre-trial proceedings and/or dispositive motions, as appropriate. This Order shall be deemed a final discontinuance of the action with prejudice in the event plaintiff has not requested restoration of the case to the active calendar within such period of time.

Any further conferences with the Court schedule in this action are cancelled.

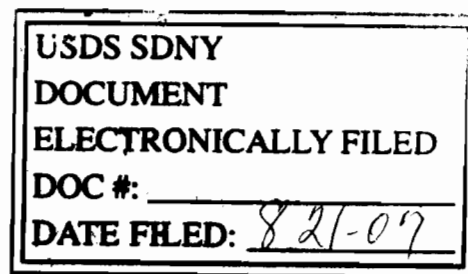
The Clerk of Court is directed to close this case.

SO ORDERED.

Dated: NEW YORK, NEW YORK
21 August 2007



Victor Marrero
U.S.D.J.

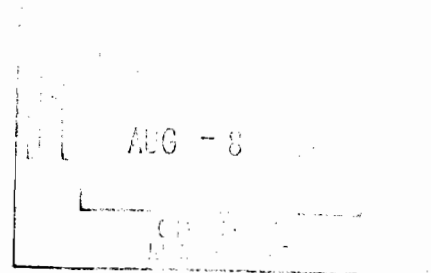


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August 8, 2007



Via Facsimile 212-805-6382
Honorable Victor Marrero
Judge of the U.S. District Court
Southern District of New York
500 Pearl Street - Rm. 660
New York, NY 10007-1312

RE: KRISTIN B. MILTON v. TONI CARROLL Terman, et al.
07 CIV. 2812 (VM)

Honorable Sir:

The undersigned is the attorney for Kristin B. Milton, plaintiff in the above-referenced action. By Order, dated August 6, 2007, the undersigned was directed to inform the Court as to the status of this matter.

The Parties herein have negotiated a settlement of this action. On August 6, 2007, after receiving copies of the Agreement from defendants' counsel, I forward copies to my client. This morning, I was apprised by my client that she was executing the Agreement with one revision, which I do not believe materially affects the terms and provisions of the Agreement. It is anticipated that a Stipulation of Dismissal, under Rule 41(a)(1) of the Federal Rules of Civil Procedure, will be filed by this office this week.

I thank you for your courtesies herein.

Respectfully submitted,

EGM:fh

Edward G. McCabe

cc: Robert W. Weisbein, Esq.
Darby & Darby (Via fax)

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